

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THOMAS HENRY BLUMENTHAL,

Plaintiff,

Case No. 2:08-CV-273

v.

HON. GORDON J. QUIST

JIM ARMSTRONG, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it Petitioner's objections to the Report and Recommendation dated June 12, 2009. In his Report, the Magistrate Judge recommended that Plaintiff's motion for a preliminary injunction and a temporary restraining order be denied because Plaintiff failed to establish his need for injunctive relief. Pursuant to 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. For the reasons stated below, the Court adopts the Magistrate Judge's Report and Recommendation and denies Plaintiff's motion as moot.

Plaintiff, Thomas Henry Blumenthal, filed this 42 U.S.C. § 1983 action while housed at the Ojibway Correctional Facility. Plaintiff subsequently moved for a preliminary injunction and a temporary restraining order against Defendants, seeking to compel Defendants to serve him Kosher meals. Plaintiff has since been transferred to the Parnall Correctional Facility. Therefore, Plaintiff's motion is moot because the relief sought would not "make a difference to the legal interests of the parties." *See Bowman v. Corr. Corp. of Am.*, 350 F.3d 537, 550 (6th Cir. 2003) (citations omitted). Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #36) is approved and adopted as the opinion of the Court, and the Court further finds that Plaintiff's motion for a preliminary injunction and a temporary restraining order (Docket #20) is **DENIED AS MOOT.**

Dated: November 10, 2009

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE